

CALL TO ORDER

Mayor Mazza opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; faxed to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Rob Haynes, Matt Severino, William Bischoff, Patricia Dziubek, Frank Mazza.

Absent: None

Others Present: J. Peter Jost, Esq., John Reymann, Twp. Engineer, Grace Brennan, CFO, Steve Balzano, Environmental Consultant and Ella M. Ruta, Township Clerk.

APPROVAL OF MINUTES

- a. Regular and Executive Session Meeting Minutes of December 3, 2008.

Mr. Bischoff corrected spelling of Mr. Rosenblum’s name in Executive Session Minutes.

Mr. Bischoff made a motion to approve the said minutes with the correction as noted. Mrs. Dziubek seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Abstained: Mr. Mazza. Motion carried.

OUT OF AGENDA ORDER

- a. The following resolution was introduced for adoption:

Resolution #2008-186

**Resolution requesting New Jersey Council of Affordable Housing
review and approval of a Development Fee Ordinance for the
Township of Union, Hunterdon County, New Jersey**

WHEREAS, *Union Township* was granted second round substantive certification by the Council on Affordable Housing (COAH) on October 2, 1996, submitted a petition for third round certification on December 7, 2005 and adopted a resolution for extension of deadline for filing a third round plan on December 3, 2008 ; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d) ;
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);

MINUTES OF REGULAR MEETING December 17, 2008

3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, *Union Township* has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of *Union Township* requests that COAH review and approve *Union Township's* development fee ordinance.

BE IT FURTHER RESOLVED that the Governing Body of Union Township hereby directs the municipal clerk to immediately transmit a signed and sealed copy of this resolution along with a copy of the Development Fee ordinance to COAH

Mr. Balzano clarified that it was requested by COAH that by the end of the year Union Township submit an Ordinance establishing a development fee ordinance consistent with current COAH requirements. The ordinance would be reviewed and approved by COAH. He further explained that by adopting the above resolution, the Clerk is authorized to submit the Ordinance to COAH.

Briefly discussed was the issue of assessing residents with a COAH fee for modification of an existing residential structure without an increase in an intensity of use. Assessing those fees is allowed under the current Township's development fee ordinance, but is not permitted in the proposed revised copy. Mr. Balzano will confirm with Atty. Koenig if those fees are permitted under new COAH regulations. If they are, he will modify the ordinance accordingly and provide the updated copy to the Committee.

To clarify for the record, Mr. Balzano stated that it is the Committee's intent to assess the fees on expansions to residential properties, if permitted.

Mr. Bischoff made a motion to adopt the resolution subject to above-mentioned stipulation. Mr. Severino seconded the motion. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Abstained: Mr. Haynes. Motion carried.

Mr. Balzano left the meeting at 7:25 p.m.

VISITORS

Grace Brennan, CFO – Bond Anticipation Notes 1/09/09 for Milligan.

Mrs. Brennan explicated on the upcoming renewal of Bond Anticipation Notes due in January. She said that the Township is waiting to receive substantial amounts of money from County and State agencies. She presented two scenarios for the Committee to consider. If the Township received the money by the end of the year it would substantially lower the amount of Anticipation Bonds issued in January. That is very unlikely since the money would have to be received by December 22, 2008. After consulting with the Bond Counsel, CFO Brennan recommended paying down the notes in January with money already received. Renewal notes will be issued until June 2009, which would give the Township enough time to receive remaining funds. Other notes are coming up for renewal at that time as well, which would allow consolidating all municipal anticipation notes. Mrs. Brennan explained the middle of the year is a much

better time for renewal of bond anticipation notes for budgetary purposes. She further explained details of bond renewal procedures and its effect on Township finances.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 11/26/08; 12/06/08
- b. Building Department – November 2008
- c. Municipal Court – November 2008
- d. Environmental Commission
 - 11/11/08 Meeting Minutes

CORRESPONDENCE

Mr. Bischoff mentioned the following:

- Asked what S-7 (Pension Payment Deferral Option) means to the Township. Mrs. Brennan answered that the bill allows Townships to defer pension payments for the next three to four years, if necessary.
- A letter from East Amwell Twp. to the County Freeholders regarding Elimination of Funding for Non-Profit Organizations. Mr. Bischoff voiced his concerns. After a brief discussion the Clerk was directed to make a copy of the letter available to Michele McBride member of UT Environmental Commission to research it and report back to the Committee
- According to the letter dated November 21, 2008, the Township will not be receiving funds from the NJDOT Municipal Aid Program in 2009.
- Notice of Claim from Mr. and Mrs. Wolfe against Union Township regarding a car accident that occurred at the intersection of State Hwy. 173 and the ramp to I-78. Atty. Jost will look into the matter.

Mr. Severino mentioned the following:

- An invitation was received from North Hunterdon Voorhees Regional High School District to attend a meeting to discuss the possibility of shared services.
- A notice from Elizabethtown Gas with information about federal, state and non-profit energy assistance programs that are available to their qualified customers. The Clerk will post the information on the bulletin board in the Municipal building.
- Request by Pilot Travel Centers LLC, Block 11, Lot 24.01 that the provisions of Subtitle 1 of Title 39 of the revised statutes be made applicable to the semi-public roadways, driveways, parking areas and other areas used for vehicular traffic. Atty. Jost explained the statute pertains to signage on the property and the procedure to be followed, including adoption of an ordinance by the Township, as well as NJDOT approval.

Mrs. Dziubek mentioned the following:

- A letter from HC Planning Bd. about Hunterdon County Open Space Trust Fund Program updated procedures taking effect in 2009. Clerk was asked to provide a copy of the letter to the Union Twp. Environmental Commission and Agriculture Advisory Board.
- A letter from HC Department of Parks and Recreation commending UT Environmental Commission and the Township governing body for their commitment to inter-agency trail planning and regional trail activity and for taking the lead in this important public trail effort.

Mr. Mazza mentioned the following: No comments

Mr. Haynes mentioned the following: No comments

PUBLIC COMMENTS - None

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. **RESOLUTION #2008-** : 2008-2009 Liquor License Renewal – Pattenburg House

Matter tabled - No Tax Clearance Certificate

- b. **Motion** – Cozze Bros, LLC; 2008 Junkyard License Renewal Application

Engineer Reymann stated that approximately one thousand tires had been removed from the property. There are still about three hundred left to be disposed of. Mr. Reymann indicated that the owners of the junkyard are doing their very best trying to remove all of the tires from the property. Eng. Reymann and Mr. Haynes were of the opinion that tires are only one of many problems for the owner of the junkyard. Cars being dropped off from the railroad tracks onto junkyard property, tires and cans with oil are left in front of the driveway are only a few the owners have to deal with. Mayor Mazza agreed. Mrs. Dziubek questioned rationale for the Township issuing the license. Atty. Jost said it is a regulatory junkyard operation license. Engineer Reymann said that the junkyard premises are inspected by the State Agency twice a year. He recommended that the 2008 license be granted.

Mrs. Dziubek made a motion to renew the 2008 Junkyard License to Cozze Brothers LL. Mr. Severino seconded the motion. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Abstained: Motion carried.

NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION 2008-187
Jean A. Messig, 1 Rupell Road
Clinton, NJ 08809

WHEREAS, Ms. Jean Messig posted an escrow account for a Road Opening permit, and

WHEREAS, the work and inspection are complete, and

WHEREAS, the Township Engineer has in a letter dated November 11, 2008 submitted his final invoice, and

WHEREAS, there is a balance of \$377.00 in Ms. Messig's escrow account,

NOW, THEREFORE, BE IT RESOLVED, that the remaining balance of \$377.00 be refunded to Ms. Jean A. Messig,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt the above resolution. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

b. The following resolution was introduced for adoption:

RESOLUTION 2008-188
Grace and Thomas Brennan
67 Country Acres Drive, Hampton, NJ 08827
Block 17.01 Lot 11

WHEREAS, Grace and Thomas Brennan, did post an excavation bond in the amount of \$500.00 for work performed at Block 17.01 Lot 11 in the Township, and

WHEREAS, the work and inspections are complete, and

WHEREAS, the construction department has requested that this bond now be released back to Grace and Thomas Brennan,

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond in the amount of \$500.00, be released to Grace and Thomas Brennan.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

c. The following resolution was dictated by Atty. Jost and introduced for adoption:

RESOLUTION #2008-189
Milligan Farm, Block 22, Lot 20-Maintenance and Management Agreement
With New Jersey Water Supply Authority

BE IT RESOLVED by the Committee of the Township of Union, Hunterdon County that the Maintenance and Management Agreement between the Township of Union and the New Jersey Water Supply Authority covering Block 22, Lot 20, commonly known as the Milligan Property Open Space, is hereby approved by the Mayor and the Township Committee and hereby authorizes the Township Clerk to sign the agreement.

After discussing details of the above-mentioned agreement, Mr. Bischoff made a motion to adopt the resolution. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

d. **Discussion** – 2009 Reorganization Meeting:

The Committee agreed to hold their 2009 reorganization meeting on January 7, 2009 at 7:00 p.m. at the Municipal Building at 140 Perryville Rd., Hampton, New Jersey. The UT Board of Health reorganization meeting will be held immediately following UT Committee reorganization meeting. First regular UT Committee and UT Board of Health meetings will immediately follow reorganization meetings.

Mrs. Dziubek made a motion to approve above-mentioned dates for the Township Committee and the Board of Health meetings. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

Mr. Bischoff mentioned that he would like to discuss open positions for the court in Executive Session.

NEW ORDINANCE – 1ST Reading – None

REPORTS

a. **Engineer's Report** – a copy of the report has been submitted

- Wastewater Management Advisory Committee – the tentative next meeting of the Committee is scheduled for Thursday, January 8, 2009 at 7:00 pm in the municipal building.
- EPA Stormwater Needs Survey – asked if the Committee would like him to submit the survey. Engineer Reymann was asked to further inquire about it.
- Grand Colonial Restaurant – has been informed by the owner that the landscaping is complete. Mr. Hintz will visit the site for final confirmation. The performance bond could be released in exchange for the two year maintenance bond.

After a brief discussion, Mr. Bischoff made a motion to authorize Atty. Jost to prepare a resolution approving maintenance bond for Grand Colonial. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

b. **Attorney's Report** – Mr. Jost reported the following:

- Prepared the Deed conveying 9.53% of Milligan Open Space to NJ Water Supply Authority. The following resolution was dictated by Atty. Jost and introduced for adoption:

RESOLUTION #2008-190
Approval of the Deed Conveying 9.53% of the interest for Block 22, Lot 20
To New Jersey Water Supply Authority

BE IT RESOLVED by the Committee of the Township of Union in Hunterdon County that the Mayor and Township Clerk are hereby authorized to sign the deed from the Township of Union to the NJ Water Supply Authority conveying a 9.53% interest to the Water Supply Authority in consideration of the sum of \$800,000.00 (Eight Hundred thousand Dollars) covering a portion of Block 22, Lot 20.

Mr. Bischoff made a motion to adopt the above resolution. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- The following resolution was dictated by Atty. Jost and introduced for adoption:

RESOLUTION #2008-191
Approval of the Deed of Conservation Restriction (EIT Easement) Block 22, Lot 20

BE IT RESOLVED by the Committee of the Township of Union in Hunterdon County that the Mayor and Township Clerk are hereby authorized to sign the Deed of Conservation Restriction for properties purchased through Environmental Infrastructure Financing program from the Township of Union and the NJ Water Supply Authority (Co-owner with the Township to the extent of a 9.53% interest in the property) to the State of New Jersey, Department of Environmental Protection for the 8.440 acre Environmental Infrastructure Easement according to the terms of the Deed dated December 17, 2008.

Mr. Severino made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- The following resolution was dictated by Atty. Jost and introduced for adoption:

RESOLUTION #2008-192**Approval of the Final Settlement and Release Agreement in Combe Fill South Litigation**

BE IT RESOLVED by the Committee of the Township of Union in Hunterdon County that the Settlement Agreement and release from the Township of Union to the Selective Insurance Company is hereby approved and the Mayor and Township Clerk are hereby authorized to sign same, subject to Township Attorney review.

Mr. Haynes made a motion to adopt the above resolution. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

- Has matters for Executive Session
 - Resolution and correspondence regarding Exit 11 was sent to the Commissioner of NJDOT
- c. **Mayor's Report** – nothing to report
d. **Committee Report**

Mr. Haynes reported the following:

- Received an e-mail from Boy Scout, John Paulmeno, regarding landscaping project in front of the Municipal Building. He is seeking a commitment from the Committee to provide funds in case not all materials are donated. After a short discussion, the Committee suggested that he prepare a chart estimating the costs and present it to the Committee.

Mrs. Dziubek reported the following:

- COAH update; contract with Union Twp. COAH Administrator, Housing Authority Services (HAS) has been sent to Atty. Koenig by Planner Hintz' office to be updated. The updated copy of the contract will then be sent to COAH to be posted on their website. It is mandatory to have Administrative Agent's contract posted on COAH's website.
- Township Clerk, appointed by resolution as the Municipal Liason to COAH, has to attend COAH seminar in order to comply with regulations.

Mr. Severino reported the following:

- Talked to Mr. Garrison regarding recycling facilities being closed earlier when recycling containers are full. Mr. Severino suggested to Mr. Garrison that all recyclables be accepted and put in small containers for later disposal.
Mr. Severino also announced that the Township's schools are now recycling.
Discussed was recycling by local businesses and how it is recorded by the recycling coordinator. Mr. Severino will look into mandatory policy procedures and records maintenance that would have to be followed by the recycling coordinator.

Mr. Bischoff reported the following:

- Hunterdon County News website reported that Union Twp./Milligan Farm and High Bridge/Catanzaretti land purchase matters were closed and Executive Minutes on the subject are now available to the public.
- Purchase of two farms was approved by the Board of the County Freeholders at \$22,000.00 and \$19,500.00 per acre.

- After examining fax machine reports Mr. Bischoff determined there is not sufficient need for additional fax machine. The matter will be further monitored.
- Expressed his disappointment that not all volunteers were invited to the Township's holiday party. One of those omitted was Mrs. Lingelbach. She is a very active volunteer and member in the Township community. Next year's list will have to be updated and reviewed prior to mailing invitations.
- Reviewed Snowplowing contract with Union Gap Village – the contract was the original and does not apply to the current agreement. Mr. Bischoff will be provided with a current copy of the agreement. He instructed the Clerk to reply to the Union Gap Village Association approving the 2009-2010 contract for snowplowing.
- Has matters for Executive Session

e. **Clerk's Report**

- Request from two employees (Grace Kocher and John Leonard) to carry over unused vacation days into the New Year

After discussion, the Committee voted separately on both requests as follows:

Mrs. Dziubek made a motion to approve request from Grace Kocher for the unused days to be taken within the first quarter of 2009. Mr. Severino seconded. Vote – Ayes: Mr. Haynes. Nays: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Defeated.

Mr. Bischoff made a motion to approve request from John Leonard. Mrs. Dziubek seconded. Vote – Ayes: Mr. Haynes. Nays: Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Defeated.

PUBLIC COMMENTS - None

PAYMENT OF THE BILLS

Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At this time, Engineer Reymann left the meeting.

EXECUTIVE SESSION

The following resolution was introduced for adoption:

RESOLUTION #2008-193

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

7. _____ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.
8. _____ *Matters Relating to the Employment Relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on December 17, 2008 at 9:24 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mrs. Dziubek made a motion to adopt the above resolution. Mr. Severino seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek, Mr. Mazza. Motion Carried.

At 9:51 pm, Mr. Severino made a motion to come out of the Executive Session. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Motion Carried.

After coming out of Executive Session, Mr. Severino asked if members who recuse themselves from the part of the Executive Session meeting would be receiving the full meeting minutes. Atty. Jost suggested that a separate set of minutes should be provided to those members.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Bischoff made a motion to adjourn. Mr. Haynes seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:52 p.m.

Respectfully submitted,

Ella M. Ruta, RMC
Municipal Clerk